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QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES

QUESTION OF HUMAN RIGHTS IN CYPRUS

Report of the Secretary-General provided pursuant to Commission on Human Rights decision 1993/109

1. The Commission on Human Rights, in its decision 1993/109, postponed to its fiftieth session the debate under the agenda subitem entitled Question of human rights in Cyprus, it being understood that action required by previous resolutions of the Commission on that subject would continue to remain operative, including the request to the Secretary-General to provide a report to the Commission regarding their implementation. The present report is provided pursuant to that decision.

2. In its most recent resolution on this subject (1987/50), the Commission reiterated its previous calls for the full restoration of all human rights to the population of Cyprus, in particular to the refugees. It considered attempts to settle any part of Varosha by people other than its inhabitants as illegal and called for the immediate cessation of such activities. It also called for the tracing of and accounting for missing persons in Cyprus without any further delay; and called for the restoration and respect of human rights and fundamental freedoms of all Cypriots, including the freedom of movement, the freedom of settlement and the right to property.

3. In his report to the Security Council of 22 November 1993 (S/26777), the Secretary-General included a recapitulation of the efforts that had been made in the framework of his mission of good offices since his coming into office.

4. The Secretary-General stated that, soon after he assumed office, he had contacted the leaders of the two communities. There followed intensive and lengthy meetings at Headquarters during 1992. On 15 July 1992, the Secretary-General presented to each of the two leaders the text of the set of ideas for an overall framework agreement, including suggested territorial adjustments reflected in a map. The set of ideas had evolved on the basis of discussions with the two sides and with Turkey over the preceding two years. Regrettably, the extensive meetings of 1992 were not successful, as the Secretary-General reported in full to the Security Council (S/24830). In its resolution 789 (1992) of 25 November 1992, the Council, inter alia, called upon the Turkish Cypriot side to adopt positions consistent with the set of ideas.

5. Also in his report of 19 November 1992 (S/24830), the Secretary-General remarked upon the deep crisis of confidence between the two sides. He suggested that the prospects for progress could be greatly enhanced if a number of confidence-building measures were adopted by the two sides. The purpose of such measures, taken in good faith by both sides, would be to facilitate accord on an overall framework agreement on the basis of the entire set of ideas endorsed earlier by the Security Council. The Security Council in its resolution 789 (1992) endorsed that approach. Both sides, as well as Greece and Turkey, welcomed this emphasis on confidence building.

6. Following intensive preparatory work in Nicosia in April/May 1993 by the Secretary-General's Deputy Special Representative, direct meetings with the two leaders were held in late May 1993 at United Nations Headquarters under the auspices of the Secretary-General and with the participation of the recently appointed Special Representative, Mr. Joe Clark (Canada). Discussion in these meetings focused on a package of confidence-building measures, including, in particular, provisions for (a) the reopening, under United Nations administration, of the fenced area of Varosha as a centre for bicommunal contact and trade and (b) the reopening of Nicosia International Airport, under United Nations administration, in cooperation with the International Civil Aviation Organization (ICAO), for unhindered traffic in passengers and cargo to and from each side. Once again, progress was not forthcoming, as reported in the Secretary-General's report of 1 July 1993 to the Security Council (S/26026). In a letter dated 7 July 1993 (S/26050), the President of the Security Council wrote that the Council shared the Secretary-General's assessment that the implementation of the package would not only significantly benefit both communities but would also have a dramatic impact in overcoming mistrust and in facilitating an overall settlement of the Cyprus problem. They called on both parties to cooperate fully without further delay in reaching a prompt agreement on the package. Again, on 14 September, after the Special Representative had visited Cyprus, Greece and Turkey the Secretary-General reported to the Council that progress on the Varosha/Nicosia International Airport package of confidence-building measures had not yet been achieved, despite the fact that the package held real and proportionate benefits for both sides. In a letter dated 20 September 1993 (S/26475), the President of the Security Council stated, inter alia, that the Council had noted with concern that the Turkish Cypriot side had not yet shown the necessary goodwill and cooperation required to achieve an agreement. The Council members agreed that the Secretary-General could not continue his effort indefinitely; they called on the Turkish Cypriot side to give its

active support to the effort; they recognized also the important role that Turkey could play in this effort; and they supported the Secretary-General's proposals to send two technical teams to Cyprus to analyse the implications of the package.

7. A team of international economic experts was organized with the assistance of the Administrator of the United Nations Development Programme (UNDP) comprising six experts with extensive experience related to macro- and microeconomic issues, including development policies, fiscal and financial matters, industrial development, free trade zones, tourism planning, development marketing and civil aviation development. Their mandate was to examine the Varosha/Nicosia International Airport package of confidence-building measures so that its benefits to both communities could be fully understood, and to consider ways of ensuring the effective implementation of the proposals set out in the package. During its field work in Cyprus from 14 October to 11 November 1993, the team held extensive discussions with a wide range of political, business, trade union, academic and other interests on both sides and was well received by all.

8. A second team of experts, composed of four civil aviation experts and assembled with the assistance of UNDP and ICAO was mandated to examine the current condition of Nicosia International Airport and to identify all requirements for making it operational. The team undertook three weeks of field work in Cyprus from 31 October 1993 onward.

9. The Secretary-General reported to the Security Council in his report of 22 November 1993 (S/26777) that the team of international economic experts had already advised him that their field work in Cyprus had confirmed that the package holds significant and proportionate benefits for both sides. The reports of the two teams were to be turned over to the Secretary-General in mid-December and immediately made public so that the ramifications and benefits of the package might be fully understood. The Secretary-General stated his view that if there were a willingness on both sides to move forward with this mutually beneficial package, the work of the teams ought to facilitate early agreement on it. The danger at that point, however, was that the necessary political will to move forward might not be forthcoming.

10. The Secretary-General indicated that it was difficult to envisage forward movement before the elections to be held by the Turkish Cypriot side on 12 December 1993. He also recalled that the Government of Turkey had stated at the highest level, both in private and in public, that there should be speedy developments in the search for a solution to the Cyprus problem once those elections had taken place and had also repeatedly stated at the highest level its support for the Varosha/Nicosia International Airport package of confidence-building measures. The Secretary-General indicated that once the elections in the Turkish Cypriot community had been completed, he would be in touch with the Governments of Turkey and Greece as well as the two sides in Cyprus. He stated his intention to report to the Security Council in February 1994 on the outcome of those contacts.

11. After considering the report of the Secretary-General, the Security Council in its resolution 889 (1993) urged the leaders of both communities to promote tolerance and reconciliation between the two

communities; reaffirmed that the status quo was unacceptable and encouraged the Secretary-General and his Special Representative to pursue the mission of good offices on the basis of the Set of Ideas and the Varosha/Nicosia International Airport package of confidence-building measures; noted with interest the confirmation by the team of international economic experts that the package holds significant and proportionate benefits for both sides; and welcomed the decision of the Secretary-General to resume intensive contacts with both sides and with others concerned and to concentrate at this stage on achieving an agreement on the package of confidence-building measures, intended to facilitate the political process towards an overall settlement.

12. The Council also requested the Secretary-General to submit a report by the end of February 1994 on the outcome of his efforts to achieve agreement on the package. It decided to undertake, on the basis of that report, a thorough review of the situation, including the future role of the United Nations, and, if necessary, to consider alternative ways to promote the implementation of its resolutions on Cyprus.

13. The Secretary-General wrote to the leaders of the two Cypriot communities on 17 December 1993, presenting them with the reports and repeating his conviction that the package of confidence-building measures contains significant and proportionate benefits for both sides. He wrote in the same vein to the Prime Ministers of Greece and Turkey and to the President of the Security Council. He asked that both leaders accept the package in principle and enter into discussion of the modalities for its implementation. The Secretary-General also indicated that he had requested his Special Representative to return to the region in January for intensive contacts with the parties and the Governments of Greece and Turkey.

14. On 3 February 1994, the Secretary-General wrote once again to the two leaders. He stated that, in light of letters that he had received from them in late January, as well as the visit to the area very recently undertaken by his Special Representative and meetings which his Deputy Special Representative had had with the leaders in Nicosia on 1 February, he was pleased to note that both sides had now accepted in principle the Varosha/Nicosia International Airport package of confidence-building measures as set out in paragraphs 37, 38, 42 and 43 of his report of 1 July 1993 (S/26026) and that they had indicated their readiness to work out the modalities for its implementation. The Secretary-General therefore invited both leaders to pursue intensive discussions in Nicosia with his representatives, beginning in mid-February, to work out agreement, within two months at the most, on the limited number of key issues.

15. Pending a settlement, the United Nations Force in Cyprus (UNFICYP) has continued, under its mandate, to discharge humanitarian functions on behalf of the Greek Cypriots living in the northern part of the island, whose number stood at 544 in November 1993. UNFICYP officers have continued to interview, in private, Greek Cypriots who applied for "permanent transfer" to the southern part of the island in order to verify that the transfer was voluntary. Eight such transfers took place during the period 1 December 1992 to 15 November 1993 and three Turkish Cypriots permanently transferred from south to north. UNFICYP has also continued to facilitate temporary visits by Greek Cypriots from the Karpas area to the southern part of the island for

family and other reasons. During the above-mentioned period there were over 2,000 such temporary transfers. UNFICYP continued to assist in arranging contact between Maronites living on the island, 207 of whom reside in the northern part of the island, and to deliver to the north foodstuffs and other supplies provided by the Cyprus Government. UNFICYP also continued its periodic visits to Turkish Cypriots living in the southern part of the island and assisted in arranging family reunion visits for Turkish Cypriots. The Force continued to provide emergency medical evacuation of civilian members of both communities residing in the north.

16. In recent years, the Secretary-General referred in successive reports to the desirability of having the two sides cooperate more directly in the humanitarian field, instead of relying on UNFICYP as go-between. Some modest progress was registered with the establishment in July 1993 of an UNFICYP humanitarian exchange point at the Ledra Palace Hotel in Nicosia. Money, mail, pension cheques, medicines and requests for foreign visas are exchanged directly there by the two sides, bringing to an end UNFICYP's former practice of delivering such items across the Buffer Zone.

17. A number of issues concerning the Greek Cypriots living in the Karpas region remained unresolved. Textbooks were not delivered to Greek Cypriot elementary schools in the Karpas region in time for the beginning of the 1993 academic year and UNFICYP continued to request that Turkish Cypriot authorities loosen the current tight restrictions on the frequency and duration of temporary transfers to the south by Greek Cypriots living in the north. Furthermore, UNFICYP continued its efforts to facilitate harmonious relations in Pyla, a bicommunal village located in the Buffer Zone; this included the problem of the police control point operated by the Government of Cyprus on the Larnaca-Pyla Road, south of the Buffer Zone, which continued to block the flow of tourists and other visitors to Pyla. Initiation of construction in Pyla of an exclusively Greek Cypriot sports complex and disagreements over the allocation by the Government of public lands raised tensions. Finally, UNFICYP continued to pursue discussions with the parties in order to facilitate telephone communications between Turkish Cypriot residents of Pyla and the north.

18. During the period under review the Government of Cyprus expressed to the United Nations its concern about continued changing of geographical and place names in the northern part of the island. The Government also stated that, in violation of the 1954 Hague Convention, the monastery of Apostolos Varnavas (Saint Barnabas) had been turned into a museum of antiquities displaying exhibits from approved private collections and from the stores of the Salamis archaeological site. Also, the Government stated that the church at the village of Livera had been turned into a mosque. These concerns were brought to the attention of the Turkish Cypriot authorities. Also, during the period under review, the Government alleged to UNFICYP that a Greek Cypriot cemetery at Karavas in the northern part of the island had been desecrated. This was brought to the attention of the Turkish Cypriot authorities, who stated that the recent deterioration was due to neglect rather than vandalism and expressed a concern for the condition of the Turkish Cypriot cemeteries in the southern part of the island.

19. UNFICYP continued to cooperate with the Office of the United Nations High Commissioner for Refugees (UNHCR), as coordinator of United Nations humanitarian assistance to needy displaced persons in Cyprus. The Force also maintained close cooperation and liaison with the respective police authorities on matters of inter-communal aspects.

20. Between 1 December 1992 and 22 November 1993, the Committee on Missing Persons in Cyprus (CMP) held 9 sessions comprising 33 meetings, of which 23 were attended by the 3 members of the Committee and their assistants (formal meetings) and 10 were attended solely by the 3 members (informal meetings).

21. On 4 October 1993, the Secretary-General wrote once again to the leader of each community noting with regret that since his review of the work of the CMP of 31 May 1992 (S/24050) there had been no improvement. He stated that to date only 210 cases of missing persons had been submitted by the Greek Cypriot side and only 318 cases by the Turkish Cypriot side. The Secretary-General underlined to both leaders the need for both communities to demonstrate urgently their determination to support the work of the CMP.

22. The Secretary-General emphasized to both leaders the need for a fresh commitment by both communities to the humanitarian objectives of the Committee. The Secretary-General told both leaders that he considered it vital that both communities commit themselves to the following:

(a) Both sides should submit to the Committee all their cases of missing persons without further delay. This would, inter alia, enable the Committee to take into consideration the common denominators linking certain cases or groups of cases to one another and would also allow the Committee to carry out its work in a more systematic manner and would help its members to reach a consensus on the overall criteria for taking decisions;

(b) The Committee should urgently reach a consensus on the criteria for concluding its investigations, taking into account the considerations in its communiqué of 11 April 1990.

23. The Secretary-General stated further that the autonomy of the CMP and its three members must be respected by all so that they can do their work without political interference and solely in the humanitarian interest of the families concerned. Outside interventions of a political character only undermine their work. The two Cypriot members of the CMP must receive the necessary support from their respective authorities.

24. In asking both leaders to support the approach set out above, the Secretary-General informed them that he had asked the third member to submit to him in January 1994 a full report on the situation at that time and that, on the basis of that report, he would review thoroughly the work of the Committee.

25. The Secretary-General has since received a letter from the leader of each community, indicating that the representatives of the two communities on the CMP would submit from their respective sides the remaining cases of missing persons within a relatively brief period of time. Each leader indicated that

the representative of his community would be ready also to discuss the criteria for the conclusion of the CMP's investigations.

26. The Secretary-General stated in his report on the operation in Cyprus of 30 March 1993 (S/25492) that unless the Security Council took the decision to convert the financing of UNFICYP to the system which had been standard for all peace-keeping operations established since 1973, the financial burden which contributing countries were being asked to bear would eventually lead to the collapse of the Force. By Security Council resolution 831 (1993) of 27 May 1993 and General Assembly resolution 47/236 of 14 September 1993, it was decided that, with effect from the next extension of UNFICYP's mandate on 15 June 1993, those costs of the Force which were not covered by voluntary contributions would be treated as expenses of the Organization under Article 17 (2) of the Charter of the United Nations. Consequently, while UNFICYP's strength was significantly reduced by successive troop withdrawals prior to conversion of its financing to a more reliable financing arrangement by General Assembly resolution 47/236, the Force was restructured in 1993 and has now stabilized at a strength of approximately 1,250. Restructuring in a period of manpower constraints has encouraged a beneficial process of handing over certain of UNFICYP's humanitarian tasks to the two sides.

27. The activities of UNFICYP, including those relating to its humanitarian responsibilities, are described in the Secretary-General's most recent reports to the Security Council on the operation in Cyprus (S/25492, S/25912 and S/26777). A full account of the Secretary-General's recent mission of good offices in Cyprus is contained in his last three reports to the Security Council (S/26026, S/26438 and S/26777).